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MICHAEL ASBERRY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ASBERRY,)	CASE NO. CIV S.-04-2467 LKK PAN
)	
Plaintiff,)	[PROPOSED] ORDER GRANTING
)	PLAINTIFF'S REQUEST TO LIFT THE
v.)	PROTECTIVE ORDER AS TO THIRD
)	PARTY PERSONNEL DOCUMENTS
CITY OF SACRAMENTO, DOES 1-20)	
inclusive)	
)	
Defendants.)	
_____)	

Plaintiff Michael Asberry requests this Court to lift the June 8, 2005 Protective Order regarding third party personnel documents of employees and/or former employees which plaintiff argues are similarly situated to him. The subject documents were produced to Chambers on August 3, 2005 and include records of Joel C., Olivia J., Herman L., Terence D., and Clyde M. The defendant does not oppose the request so long as the subject documents may only be used in this litigation and that all substantive evidentiary objections be maintained to the admission of the documents at the time of trial.

After considering the Joint Statement submitted by the parties, the Courts records and files in this matter, and a review of the documents submitted to chambers,

IT IS HEREBY ORDERED AS FOLLOWS:

The COURT HEREBY GRANTS Plaintiff's Request to Lift the Protective Order as to the Documents submitted to Chambers so that the parties may use the documents during this litigation in

[PROPOSED] ORDER

1 discovery, motion practice and at trial, with the caveat that those documents may be filed and/or made
2 part of the record in this case in connection with any legitimate bona fide motion that may be necessary
3 and may be offered in evidence at trial subject to any substantive evidentiary objections.

4 **IT IS SO ORDERED.**

5 Dated: August 31, 2005.

6 /s/ Peter A. Nowinski
7 PETER A. NOWINSKI
8 Magistrate Judge
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